In the High Court of Punjab and Haryana at Chandigarh.

Regular Second Appeal No.3563 of 2006.

Date of decision:26.9.2006.

Haryana Vidhut Parsaran Nigam and another.

...Appellants.

Versus

Gulzar Singh.

...Respondent.

...

Coram: Hon'ble Mr. Justice S.N.Aggarwal.

...

Present: Mr.Bijender Dhankar Advocate for the appellants.

...

Judgment.

S. N. Aggarwal, J.

Gulzar Singh respondent filed a suit for permanent injunction restraining the appellants from disconnecting his electric connection and for restraining them from recovering an amount of Rs.38,715/-.

The said suit was contested by the appellants.

Issues were framed.

The parties led the evidence.

The learned trial Court held that the demand made by the appellants vide impugned bill dated 26.11.1999 was illegal but the suit

was dismissed by the learned trial Court as not maintainable,vide judgment and decree dated 3.5.2005.

The respondents filed an appeal. The learned Lower Appellate Court up-held the findings of fact recorded by the learned trial Court regarding demand made by the appellants and accepted the appeal vide judgment and decree dated 24.4.2006. The appellants were accordingly restrained from disconnecting the electric supply to the respondent's tubewell and also from recovering an amount of Rs.38,715 from him.

Hence, the present appeal.

The submission of learned counsel for the appellants was that finding of reversal has been recorded by the learned Lower Appellate Court which is not based on evidence.

This submission has been considered.

Even the learned trial Court held that the demand made by the appellants from Gulzar Singh respondent was illegal. That finding was not challenged by the appellants either by filing an appeal or by filing cross objections in the appeal filed by the respondent. Therefore, the said finding of the learned trial Court had become final. Moreover, the learned the Lower Appellate Court has accepted the appeal filed by the respondent.

I find no ground to dis-agree with the findings of fact recorded by the Courts below.

No substantial question of law arises in this appeal.

No merit.

Dismissed.

September 26,2006. (S. N. Aggarwal)
Jaggi Judge